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In re Application of :  
GUTENDORF *et al* :  
U.S. Application No.: 10/531,825 :  
PCT No.: PCT/DE03/03442 :  
Int. Filing Date: 17 October 2003 :  
Priority Date: 18 October 2002 :  
Attorney's Docket No.: KRO-10202/36 :  
For: MOTOR VEHICLE WITH A MOVING :  
HOOD :

## DECISION

This is a decision on the renewed request to add an inventor in the above-captioned application filed 18 May 2006 which is treated under 37 CFR 1.497(d).

### BACKGROUND

On 14 March 2006, a decision dismissing applicants' petition under 37 CFR 1.497(d) was mailed. Applicants were given two months to respond.

On 18 May 2006, applicants filed the renewed petition.

### DISCUSSION

As previously indicated, 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 *bis* subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

- (2) The processing fee set forth in § 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

In the initial petition filed 05 January 2006, applicants completed items (1) and (2) of 37 CFR 1.497(d). However, applicants failed to address item (3). As such, the petition was dismissed.

In the renewed petition, applicants declare that "an assignment has not yet been recorded for the subject application." This is a sufficient response.

All items of 37 CFR 1.497(d) are now complete.

### **CONCLUSION**

Applicants' request to add Jorg Jahn as an inventor in the above-captioned application pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 17 October 2005 is now in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 17 October 2003, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 17 October 2005.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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